

DECLARATION AND POWERS OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship is as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "BROADBAND TELECOMMUNICATIONS SYSTEM," the specification of which was filed on February 2, 1996 as Application Serial No. 08/594,660 and was amended herewith or, if not identified here by filing date and serial number, is attached hereto. I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR 1.56(a). I hereby claim foreign priority benefits under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate by me or my representatives or assigns for this invention having a filing date before that of the application on which priority is claimed:

Application No. _____ in _____ on _____ priority claimed () Yes () No

Application No. _____ in _____ on _____ priority claimed () Yes () No

Application No. _____ in _____ on _____ priority claimed () Yes () No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. I hereby appoint, individually and collectively, the following as my/our attorney or agent with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith:

Harley R. Ball Registration No. 31,733; and

Michael J. Setter Registration No. 37,936

PLEASE ADDRESS ALL

COMMUNICATIONS TO:

Attn: Harley R. Ball

Sprint Law Department

8140 Ward Parkway

Mailstop: MOKCMP0506

Kansas City, Missouri 64114

SOLE OR JOINT

Inventor (1) Joseph Michael Christie
 (Deceased)

(Co-Executor: Joseph S. Christie)

(Co-Executor: Jean M. Christie)

Citizenship USA citizen

Date: _____

SOLE OR JOINT

Inventor (2) Albert Daniel Duree
 (Type or Print)

Albert Daniel Duree
 (Signature in Full)Citizenship USA citizenDate: 2/24/97

Residence: 16913 Cogan Road
 Independence, Missouri 64055

SOLE OR JOINT

Inventor (3) Michael Joseph Gardner
 (Type or Print)

Michael Joseph Gardner
 (Signature in Full)Citizenship USA citizenDate: 2/24/97

Residence: 5307 W. 100th Street
 Overland Park, Kansas 66207

SOLE OR JOINT

Inventor (4) William Lyle Wiley
 (Type or Print)

William Lyle Wiley
 (Signature in Full)Citizenship USA citizenDate: 2-24-97

Residence: 814 N. Mesa Street
 Olathe, Kansas 66061

SOLE OR JOINT

Inventor (5) Manu Chand Bahl
 (Type or Print)

M. Bahl
 (Signature in Full)Citizenship USA citizenDate: 1/21/97

Residence: 80 Bates Road
 Hillsborough, California 94010

SOLE OR JOINT

Inventor (6) Daniel Charles Sbisa
(Type or Print)

Daniel Charles Sbisa
(Signature in Full)

Citizenship USA citizen

Date: 2/27/97

Residence: 2401 S.W. Whispering Creek Court
Blue Springs, Missouri 64015

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 7

MICHAEL J. SETTER
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KANSAS CITY, MISSOURI 64114

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OFFICE OF PLEADING
AND PETITION

In re Application of
Christie(deceased), Duree,
Gardner, Wiley, Bahl and Sbisa
Application No. 08/594,660
Filed: February 2, 1996
For: BROADBAND
TELECOMMUNICATIONS SYSTEM

: DECISION GRANTING PETITION
: TO REVIVE AND ACCORDING
: STATUS UNDER 37 CFR 1.47
: AND REQUIREMENT FOR
: SUPPLEMENTAL DECLARATION
:

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed March 5, 1997, requesting reconsideration of the decision mailed December 30, 1996, which dismissed the previous petition to revive filed September 3, 1996, and a decision on the petition under 37 CFR 1.47(a) and 1.42.

The petitions are granted.

Under the facts of this case, the proposed response to continue prosecution, which is a prerequisite to revival of the abandoned application, is an acceptable showing under 37 CFR 1.42 and 1.44.

Papers filed on March 5, 1997, in response to a decision mailed on December 30, 1996, include:

(1) proof of the legal representative status of Joseph S. Christie and Jean M. Christie with respect to deceased inventor Joseph Michael Christie (Christie) under 37 CFR 1.44;

(2) an adequate showing that a copy of the instant application papers was presented to the aforementioned legal representatives; and

(3) a copy of an acknowledgment of receipt of a copy of the instant application papers, which also contains the express

written refusal to sign the declaration for the instant application, executed by the aforementioned legal representatives;

(4) the last known address of the aforementioned legal representatives;

(5) a copy of an assignment of the application executed by the named inventors with the exception of Christie, and the aforementioned legal representatives, to Sprint Communications Company L.P., and

(6) a resubmission of the declaration of record, executed by all the named inventors with the exception of Christie.

The showing of record provides adequate proof that the non-signing legal representatives of the deceased inventor Joseph Michael Christie have been presented with a complete copy of the application papers, and that the legal representatives have refused to sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to non-signing legal representatives, Joseph S. Christie and Jean M. Christie, at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

However, the declaration signed by the joint inventors is not in compliance with 37 CFR 1.63 and 1.64 since the proper party to file the application on behalf of the deceased inventor was his legal representative(s). 35 U.S.C. § 117. Since the statute permits the legal representative(s) to file on behalf of the deceased inventor and since the legal representatives have refused to join the application, the joint inventors should sign the declaration for patent application on behalf of the legal representatives. See Manual of Patent Examining Procedure, Section 409.03(c). Petitioner may wish to modify the "Declaration and Power of Attorney" to state: "Inventor (1) Joseph Michael Christie (deceased), late a citizen of the United States and resident of _____, Legal Representatives, Joseph S. Christie and Jean Mr. Christie, both citizens of the United States and residents of Mt. Pleasant, PA." The supplemental declaration should identify the application number or serial number and filing date of the application. Furthermore, the "Declaration on Behalf of Deceased Inventor" should be changed to

"Declaration on Behalf of Deceased Inventor's Legal Representatives" and in line 5 thereof "Christie" should be changed to --Christie's legal representatives Joseph S. Christie and Jean M. Christie--. A supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64, as set forth above, is REQUIRED before issuance of the application as a patent or any earlier time required by the examiner.

It follows that the papers filed March 5, 1997, also constitute a proper response to the decision mailed December 30, 1996. Since the petition under 37 CFR 1.137(b) was filed within one year of the date of abandonment, the petition is timely filed and grantable. The instant application is restored to pending status.

This application file is being forwarded to Application Branch. Application Branch is authorized to

- (1) accept this application under 37 CFR 1.42 and 1.44;
- (2) process the application with the inventors being Joseph M. Christie (deceased), Joseph S. Christie and Jean M. Christie Legal Representatives for Joseph M. Christie, Albert D. Duree, Michael J. Gardner, William L. Wiley, Manu C. Bahl and Daniel C. Sbisa using the declaration filed on March 5, 1997; and
- (3) mail a filing receipt with a filing date of February 2, 1996.

The additional \$1250.00 submitted with the renewed petition under 37 CFR 1.137(b) is unnecessary. Accordingly, \$1250.00 has been credited to Deposit Account No. 21-0765.

Inquiries related to this decision may be addressed to Special Projects Examiner Brian Hearn at (703) 305-1820.

Brian Hearn, Jr
Abraham Hershkovitz
Director, Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

**DECLARATION ON BEHALF OF LEGAL REPRESENTATIVES
OF DECEASED INVENTOR**

Upon information and belief, as a joint inventor of the subject matter which is claimed for and which a patent is sought on the invention entitled "BROADBAND TELECOMMUNICATIONS SYSTEM," the specification of which was filed on February 4, 2000, as Application Serial No. 09/497,719, which is a continuation of prior application serial number 08/594,660, filed February 2, 1996, which is a continuation-in-part of prior application serial number 08/525,897 filed September 8, 1995, issued as patent number 5,991,301, which is a continuation of prior application serial number 08/238,605, filed May 5, 1994, now abandoned, I hereby declare the following on behalf of deceased inventor Joseph Michael Christie's legal representatives, Joseph S. Christie and Jean M. Christie:

- I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the above entitled invention.
- I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
- I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR 1.56(a).
- I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

JOINT INVENTOR

Inventor: (1) Joseph Michael Christie (deceased) and late a citizen of the United States and resident of San Bruno, CA, Legal Representatives, Joseph S. Christie and Jean M. Christie, both citizens of the United States and residents of Mt. Pleasant, PA.

(Co-Executor: Joseph S. Christie)

(Co-Executor: Jean M. Christie)

Date: _____

JOINT INVENTOR

Inventor: (1) Joseph Michael Christie (deceased) and late a citizen of the United States and resident of San Bruno, CA, Legal Representatives, Joseph S. Christie and Jean M. Christie, both citizens of the United States and residents of Mt. Pleasant, PA.

(Co-Executor: Joseph S. Christie)

(Co-Executor: Jean M. Christie)

Date: _____

JOINT INVENTOR

Inventor: (2) Albert D. Duree
(Type or Print)

Albert D. Duree
(Signature in Full)

Citizenship USA citizen

Date: 1-7-2002

Residence: 16913 Cogan Road, Independence, Missouri 64055

JOINT INVENTOR

Inventor: (3) Michael Joseph Gardner
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 4705 West 88th Street, Prairie Village, KS 66207

JOINT INVENTOR

Inventor: (2) Albert D. Duree _____
(Type or Print) _____ (Signature in Full)

Citizenship USA citizen _____ Date: _____

Residence: 16913 Cogan Road, Independence, Missouri 64055

JOINT INVENTOR

Inventor: (3) Michael Joseph Gardner _____
(Type or Print) _____ (Signature in Full)

Citizenship USA citizen _____ Date: _____

Residence: 4705 West 88th Street, Prairie Village, KS 66207

JOINT INVENTOR

Inventor: (4) William Lyle Wiley _____
(Type or Print) _____ (Signature in Full)

Citizenship USA citizen _____ Date: 12-10-01 _____

Residence: 1237 Newbridge Trce Ne, Atlanta, GA 30319-4549

JOINT INVENTOR

Inventor: (5) Bobby Chand Bahl _____
(Type or Print) _____ (Signature in Full)

Citizenship USA citizen _____ Date: _____

Residence: 80 Bates Road, Hillsborough, California 94010

JOINT INVENTOR

Inventor: (2) Albert D. Duree
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 16913 Cogan Road, Independence, Missouri 64055

JOINT INVENTOR

Inventor: (3) Michael Joseph Gardner
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 4705 West 88th Street, Prairie Village, KS 66207

JOINT INVENTOR

Inventor: (4) William Lyle Wiley
(Type or Print)

(Signature in Full)

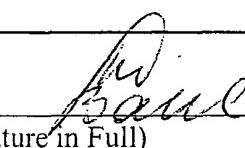
Citizenship USA citizen

Date: _____

Residence: 814 N. Mesa Street, Olathe, Kansas 66061

JOINT INVENTOR

Inventor: (5) Manu Chand Bahl
(Type or Print)


(Signature in Full)

Citizenship USA citizen

Date: 10/22/01

Residence: 80 Bates Road, Hillsborough, California 94010

JOINT INVENTOR

Inventor: (6) Daniel Charles Sbisa
(Type or Print)

Daniel Charles Sbisa
(Signature in Full)

Citizenship USA citizen

Date: 10/16/01

Residence: 2401 S. W. Whispering Creek Court, Blue Springs, Missouri 64015

**DECLARATION ON BEHALF OF LEGAL REPRESENTATIVES
OF DECEASED INVENTOR**

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(Co-Executor: Joseph S. Christie)

(Co-Executor: Jean M. Christie)

Date: _____

JOINT INVENTOR

Inventor: (2) Albert D. Duree
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 16913 Cogan Road, Independence, Missouri 64055

JOINT INVENTOR

Inventor: (3) Michael Joseph Gardner
(Type or Print)


(Signature in Full)

Citizenship USA citizen

Date: 10/1/01

Residence: 4705 West 88th Street, Prairie Village, KS 66207

JOINT INVENTOR

Inventor: (4) William Lyle Wiley
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 814 N. Mesa Street, Olathe, Kansas 66061

JOINT INVENTOR

Inventor: (5) Manu Chand Bahl
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 80 Bates Road, Hillsborough, California 94010

JOINT INVENTOR

Inventor: (6) Daniel Charles Sbisa
(Type or Print)

(Signature in Full)

Citizenship USA citizen

Date: _____

Residence: 2401 S. W. Whispering Creek Court, Blue Springs, Missouri 64015

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